

Remarks

Claims 12, 13 and 16 stand rejected on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1 through 25 of US patent number 6,912,923. In articulating the rejection the Examiner states

"regarding claim 12, although the conflicting claims are not identical they are not patentably distinct from each other because all of the limitations in the claims are included in the 6,912,923 patent".

The Examiner has, however, indicated that claims 14, 15, and 17 through 22 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant respectfully disagrees with the obviousness type double patenting rejection with regard to claims 12, 13 and 16 for the following reasons.

In particular, Froehlich et. al. '923 failed to disclose two magnet rings as recited in claim 12 of the instant invention. Froehlich proposes one magnet ring for measuring a torque exercised on a shaft. Froehlich, however, is completely silent concerning use of a second magnetic ring as claimed in instant claim 12 of the current invention, at the end of the claim. It is the second magnetic ring, in combination with the first magnetic ring, which permits both measurement of a steering angle as well as a torque exercised on a shaft. Since Froehlich provides no

motivation for measuring a steering angle as well as no motivation for having a second magnetic ring to facilitate such a steering angle measurement, Froehlich provides no motivation for the limitations of claim 12. For this reason, elements are missing from the Froehlich disclosure and claims which are pertinent to important aspects of the invention. The invention is therefore distinguished with respect to obviousness from the Froehlich disclosure and claims. The statutory non-obviousness type double patenting rejection is therefore improper. The Examiner is therefore requested to review the USPTO position concerning this rejection.

In order to clarify the double function of the device with respect to determining a steering angle as well as torque, the preamble of claim 12 has been amended accordingly. The Applicant respectfully requests passage to issuance.

No new matter has been added in this amendment.

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Respectfully submitted,

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